



U.S. Department of Justice

*United States Attorney
Eastern District of New York*

EAG/JDG/CMP
F.#2008R00530

271 Cadman Plaza East
Brooklyn, New York 11201

April 7, 2012

By ECF

The Honorable Brian M. Cogan
United States District Judge
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: United States v. Joel Cacace
Criminal Docket No. 08-240 (S-7) (BMC)

Dear Judge Cogan:

The government respectfully submits this letter dated April 4, 2012 in response to the defendant Joel Cacace's motion for early disclosure of material pursuant to 18 U.S.C. § 3500 for witnesses Salvatore Vitale, Dino Calabro and Joseph Competiello. As previously agreed upon, the government will provide 3500 material to Cacace on June 1, 2012, following the conclusion of the trial of Thomas Gioeli and Dino Saracino. (See Minute Entry filed Oct. 4, 2011). While counsel for Cacace urges the Court to order earlier disclosure on the ground that there is no prejudice to the government, the government respectfully requests that the Court decline to do so. The undersigned prosecutors are currently on trial in Gioeli and coordinating the disclosure of 3500 material - two months earlier than scheduled in October 2011 - would be burdensome and is not required under the law. Furthermore, Cacace currently has access to the transcript of Vitale, Calabro and Competiello's testimony, including extensive

cross-examination, in Gioeli and will have ample time to review the remaining 3500 material when it is disclosed in June 2012.

Respectfully submitted,

LORETTA E. LYNCH
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By: /s/
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cc: Susan Kelman, Esq. (by ECF)
David Stern, Esq. (by ECF)